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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/650,961 | 08/27/2003 | George Zavaliagos | 19736-015 | 8089 |

30623 7590 02/10/2006

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EXAMINER

PATEL, HEMANT SHANTILAL

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2645

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/650,961 | | ZAVALIAGKOS ET AL. | |
| | Examiner | | Art Unit | |
| | Hemant Patel | | 2645 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 11-14, 16-20, 22-24, 26-33 and 36-39 is/are rejected.
- 7) ☒ Claim(s) 5, 9, 10, 15, 21, 25, 34, 35 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-8, 11-14, 16-20, 22-24, 26-33, 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Hejna (US Patent Application Publication No. 2003/0046080 A1).

Regarding claim 1, Hejna teaches of a computer program product residing on a computer-readable medium (Fig. 1, item 75, Paragraph 0121), computer-executable instructions for causing a computer to:

analyze a first playback speed history for at least one audio recording recorded by a first speaker (Paragraph 0078, Media Work Content Information i.e. audio recording) and played by a first listener (Fig. 3, user A), the playback speed history being indicative of at least one playback speed associated with the at least one audio recording (Fig. 1, item 600, Paragraph 0093); and

determine from the first playback speed history a speed setting for playback of another audio recording recorded by a second speaker to be played by a second listener (Fig. 1, item 1540, Paragraphs 0119, 0120; Paragraph 0082, presenting the unperceived MW using the results previously generated by the same or different

Audience; Paragraph 0088, the representation produced by the PR/Content Correlator will be used for the selection of PRs when presenting new MWs i.e. using playback speed generated in case of one recording for another recording).

Regarding claim 2, Hejna teaches of determining the speed setting using current playback speed setting (Fig. 2, step 1540, variable TSM_rate) associated with current user i.e. second listener (which can be first user A again) listening to second speaker (i.e. the same content which means same speaker).

Regarding claim 3, Hejna teaches of measuring difference between quantized levels to determine adjustment to the presentation rate i.e. playback speed setting (Paragraph 0105).

Regarding claim 4, Hejna teaches of the presentation rate produced by the PR/Content Correlator will be used for the selection of PRs when presenting new MWs i.e. using playback speed generated in case of one recording for another recording. Thus, after two times listening to a content, it generates second presentation rate and stores it. This will be used for subsequent listening to the same recording or a new recording i.e. audio recorded by a third speaker and played by the listener (Paragraph 0088).

Regarding claim 6, Hejna teaches of the preparing information for use in presenting the MW that will cause MWs to slow down (reluctance) or speed up (willingness) in accordance with the analyzed affinity or aptitude (Paragraph 0082).

Regarding claim 7, Hejna teaches of the categorizing indications (denoted l_0, l_1, \dots, l_N) into one of a plurality of ranges willingness/reluctance (denoted as r_0, r_1, \dots, r_m

presentation rates indicating slow (reluctance) and fast (willingness) speeds, Paragraph 0083).

Regarding claim 8, Hejna teaches of adjusting the presentation rate (playback speed setting) of a media with adjustment based on ranges (r_0, r_1, \dots, r_m presentation rates) associated with indications (Paragraph 0084).

Regarding claim 11, Hejna teaches of averaging the presentation rate (playback speed) setting (Fig. 2, step 1540).

Regarding claim 12, Hejna teaches of initial presentation rate (initial speed setting for playback) for unperceived MWs derived from previous Audience responses to another MW (Paragraph 0082).

Regarding claim 13, Hejna teaches of storing determined presentation rate (playback speed setting) for future presentation rate (speed) settings (Fig. 2, step 1550, Paragraph 0114).

Regarding claim 14, Hejna teaches of determining the presentation rate (playback speed) based on user (transcriptionist) selection of presentation rate for parts of MW (Paragraphs 0129-0133).

Regarding claim 16, recites a device that performs functions as claimed in claim 1. Hejna teaches of a device (Fig. 1) as indicated in rejection for claim 1. Hejna also teaches of the use of this device for dictations and transcriptions (Paragraph 0269).

Regarding claim 17, refer to rejection for claim 2 and claim 16.

Regarding claim 18, refer to rejection for claim 3 and claim 17.

Regarding claim 19, Hejna teaches of modifying the presentation rate (playback speed) based on average playback speed (Fig. 1, step 1540) associated with the user (transcriptionist).

Regarding claim 20, refer to rejection for claim 6 and claim 17.

Regarding claim 22, Hejna teaches of a database storing historical presentation rate (playback indicia) locally or distributed and communicating over networks (Paragraph 0050).

Regarding claim 23, refer to rejection for claim 12 and claim 16.

Regarding claim 24, refer to rejection for claim 14 and claim 16.

Regarding claim 26, Hejna teaches of a method of determining a transcription (Paragraph 0090) audio playback speed, the method comprising:

analyzing a first playback speed history for at least one audio recording recorded by a first speaker (Paragraph 0078, Media Work Content Information i.e. audio recording) and played by a first listener (Fig. 3, user A), the playback speed history being indicative of at least one playback speed associated with the at least one audio recording (Fig. 1, item 600, Paragraph 0093); and

determining from the first playback speed history a speed setting for playback of another audio recording recorded by a second speaker to be played by a second listener (Fig. 1, item 1540, Paragraphs 0119, 0120; Paragraph 0082, presenting the unperceived MW using the results previously generated by the same or different Audience; Paragraph 0088, the representation produced by the PR/Content Correlator

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will be used for the selection of PRs when presenting new MWs i.e. using playback speed generated in case of one recording for another recording).

Regarding claim 27, refer to rejection for claim 2 and claim 26.

Regarding claim 28, refer to rejection for claim 3 and claim 27.

Regarding claim 29, refer to rejection for claim 4 and claim 28.

Regarding claim 30, refer to rejection for claim 19 and claim 29.

Regarding claim 31, refer to rejection for claim 6 and claim 27.

Regarding claim 32, refer to rejection for claim 7 and claim 31.

Regarding claim 33, refer to rejection for claim 8 and claim 32.

Regarding claim 36, refer to rejection for claim 11 and claim 26.

Regarding claim 37, refer to rejection for claim 12 and claim 26.

Regarding claim 38, refer to rejection for claim 13 and claim 26.

Regarding claim 39, refer to rejection for claim 14 and claim 26.

Allowable Subject Matter

3. Claims 5, 9, 10, 15, 21, 25, 34, 35, 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Jachmann (US Patent No. 5,146,439) Records Management System Having
Dictation/Transcription Capability

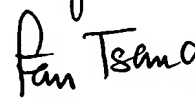
Polcyn (US Patent No. 6,865,258 B1) Method And System For Enhanced
Transcription

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Hemant Patel whose telephone number is 571-272-
8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).


Hemant Patel
Examiner
Art Unit 2645



HSP



ALLAN HOOSAIN
PRIMARY EXAMINER